

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

In the Matter of the Petition	:	
	:	CIVIL ACTION NO.: 22-7383
of	:	
	:	<b>DECLARATION OF</b>
NEW YORK CITY BOAT TOURS, LLC and	:	<b>GUERRIC S.D.L. RUSSELL IN</b>
EDWARD MATTIACE, as Owner of the 36'	:	<b>SUPPORT OF MOTION</b>
uninspected passenger vessel "HONCHO"	:	
bearing Hull Number HEB00069G585	:	

I, Guerric S.D.L. Russell, declare under penalty of perjury that:

1. I am an attorney duly admitted to practice in the Courts of the State of New York and before this Honorable Court. I am also a partner in the law firm of Nicoletti Hornig & Sweeney, attorneys for the Petitioners New York City Boat Tours, LLC, and Edward Mattiace, and as such, I am familiar with all the matters set forth herein.

2. I make this declaration in support of the Petitioners' Motion Pursuant to Supplemental Rule F to Approve the *Ad Interim* Stipulation for Value, Direct Issuance of Notice and Enjoin Actions.

3. Petitioners filed a Petition seeking exoneration from or limitation of liability for all damages that occurred on June 17, 2022, when their vessel, the HONCHO (HIN HEB00069G585) collided with the FDNY vessel MARINE 1 BRAVO on the East River. The Petition is entered on the docket (as Doc. 1) and is incorporated herein by reference.

4. Supplemental Rule F(1) of the Supplemental Rules for Admiralty or Maritime Claims of the Federal Rules of Civil Procedure states that the vessel owner "shall deposit with the court, for the benefit of claimants, a sum equal to the amount or value of the owner's interest in the vessel and pending freight, or approved security therefor, ...."

5. Petitioner contends for the purposes of establishing a limitation fund that the post-casualty value for the subject vessel is \$25,000.00 (*see*, Petition at ¶ 17, Doc. 1).

6. In accordance with well-recognized and standard practice in the field of admiralty and maritime law, Petitioners are offering an *Ad Interim* Stipulation for Value for the benefit of claimant(s) in the total amount of \$25,000.00, representing the amount or value of the Petitioners' interest in the subject vessel (the *Ad Interim* Stipulation for Value is attached as Exhibit "1").

7. A true and accurate copy of the Appraisal Report of David Tantrum dated January 11, 2023, wherein he opines a post-casualty value of \$25,000 for the subject vessel, is attached hereto as Exhibit "2".

8. Supplemental Rule F(3) states, in part, that:

On application of the plaintiff the court shall enjoin the further prosecution of any action or proceeding against the plaintiff or the plaintiff's property with respect to any claim subject to limitation in the action.

9. Supplemental Rule F(4) states, in part, that:

[T]he court shall issue a notice to all persons asserting claims with respect to which the complaint seeks limitation, admonishing them to file their respective claims with the clerk of the court and to serve on the attorneys for the plaintiff a copy thereof on or before a date to be named in the notice. ...The notice shall be published in such newspaper or newspapers as the court may direct once a week for four successive weeks prior to the date fixed for the filing of claims.

WHEREFORE, Petitioners respectfully request that the Court issue an order in the form set forth in Exhibit "3": (i) Approving the *Ad Interim* Stipulation for Value, (ii) Directing Issuance of Notice to Claimant(s) in the form set forth in Exhibit "4"; and (iii) Enjoining all other Actions.

Dated: New York, New York  
January 25, 2023



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